IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE SIDE

WRIT PETITION NO. 5143 OF 2007

Prof (Mrs.) Lilla D'souza & ors .... Petitioner

versus

M/s. Suresh & Co. ..... Respondent.

Shri Clive D'souza for the petiitoner.

CORAM; A.P. DESHPANDE, J.
DATED; 9TH JULY, 2007

P.C.;

1. Aggrieved by the order passed by the Court of Small Causes, Bombay in a Revision No.213/05 the present writ petition is filed. The plaintiff had instituted a suit wherein summons was served on the present respondent on 3-1-2004. The suit was adjourned, to enable the defendant to file written statement. The last adjourned date as granted by the trial court was 12-4-2004 and the defendant did file written statement on the said date. Finding that there is hardly any delay in filing of the written statement, the revision has been allowed. The written statement appears to have been filed within a period of 12 days after expiry of 90 days period. The explanation tendered by the defendant was that he had asked for inspection of certain documents and on account of failure on the part of the plaintiff to

make available necessary documents, there was delay. The revisional court has taken up a pragmatic view of the matter i the order passed by the trial court.

2. Perused the order. No case is made out for interference. Thus writ petition is summarily dismissed.

3. Having regard to the fact that the suit has been instituted in the year 2004 and the filing of the written statement has been delayed, on account of failure on the part of the plaintiff to make available necessary documents, I think cause of justice would be met, directing the disposal of the suit as expeditiously as possible. Hence I direct that the suit be disposed of as expeditiously as possible preferably within six months from the date of the order.

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